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Grace facing another suit over asbestos

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3/11/00*

Company: We adhered to safety guidelines to protect workers at sites, including Billerica

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By JOHN WOLFSON
Sun Staff

BILLERICA -- Concerns are easing about the immediate danger posed to the community by a North Billerica plant that once processed asbestos-tainted ore, but a Boston law firm will file suit against the company that operated the plant, claiming its employees were harmed by working there.

"It will be styled on behalf of all workers, and their household members, who worked at these expanding plants across the country," lawyer Ed Manchur said of the suit Boston firm Gilman and Pastor plans to file this week against W.R. Grace Co.

A Grace spokesman said the company adhered to federal safety guidelines at its plants.

Grace took over the Iron Horse Park plant as part of its 1963 purchase of the Zonolite Company. Gilman and Pastor has already filed suit against the company, claiming it sold Zonolite Attic Insulation, installed in 940,000 homes across the country, even though it knew the product contained the carcinogen asbestos. That suit is on behalf of homeowners who used the insulation, which was sold until 1984.

The Zonolite Company opened the Billerica plant in 1953 in space leased from the B&M Railroad. The company, which owned mines and expanding plants across the globe, processed the mineral vermiculite into home insulation and ingredients used in construction and agricultural products.

Vermiculite taken from a mine in Libby, Mont., is said to have been tainted with tremolite, a form of asbestos. At least 192 people have died in the small town from illnesses related to asbestos.

Grace closed the Billerica plant in 1964, when it moved the operation to a new facility in Easthampton. In all, the Billerica plant was open from 1953 to 1964, according to former plant manager Louis Chakarian. Almost all of the vermiculite processed in Billerica came from the Libby mine, Chakarian said.

Last week, members of the Environmental Protection Agency's emergency response team surveyed the site, located across the street from the old Johns Manville building.

More

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"We saw no obvious signs that there were problems," David McIntyre of the EPA said. "That just means there was no cause for emergency."

The New England branch of the EPA will meet tomorrow with other regional offices to determine what longer-term steps are needed for testing the former U.S. expanding plants, where vermiculite was heated in large furnaces, causing the mineral to expand like an accordion to as much as 20 times its original size.

"It was like popping popcorn," Chakarian said.

At the end of this week, the state Department of Public Health plans to release the results of a Billerica cancer study. The DPH is comparing the town's rate of lung cancer and mesothelioma -- a form of cancer strongly linked to asbestos -- to the state average.

A similar study in the area of the Easthampton plant found rates of cancer related to asbestos to be lower than the state average, according to DPH spokeswoman Rosanne Pawelec.

According to Grace records turned over to the EPA, a third Massachusetts expanding plant was located in Hingham, possibly in the town's old shipyards. The agency has been unable to pinpoint the exact location of that plant.

Manchur, the Boston lawyer, said he has been contacted by former workers at both the Billerica and Easthampton plants.

"We did receive quite a few calls from workers at both plants," he said. "It's been pretty widely-reported that there have been health problems related to working in these plants."

Manchur said the litigation will be in the form of a class-action suit, meaning it could represent anyone who ever worked at an expanding plant owned first by Zonolite and then by Grace.

Grace spokesman Christopher Lawson said work at both its mines and expanding plants was subject to regulations set up by the Mine Safety and Health Administration and the Occupational Safety and Health Administration.

"Grace complied with those regulations and took steps to reduce worker exposure" to asbestos, Lawson said. Bag houses were installed at the expanding plants to limit exposure to potentially asbestos-laden dust, he said.

A bill working its way through congress that would limit the ability of asbestos victims to sue was again delayed last week. The House Judiciary Committee began its deliberations on the Fairness in Asbestos Compensation Act last Thursday, after the issue had been postponed the week before.

Opening statements were recorded last week, but the matter has been continued until Tuesday, with the two days after that set aside for the proposed law. If the committee approves the bill, supported by nearly all Republicans and opposed by nearly all Democrats on the committee, it will go before the full House for a vote.